

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 versus

5 PETER LIOUNIS,

6 Defendant.

12 cr 350(ILG)

U.S. Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201

7 August 22th, 2014  
8 11:00 a.m.

9 TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING

10 BEFORE THE HONORABLE I. LEO GLASSER,

11 UNITED STATES DISTRICT JUDGE

12 APPEARANCES

13 For the Government:

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17 For the Defendant:

PETER LIOUNIS  
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19 Also present:

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Lisa Schmid, CCR, RMR  
Official Court Reporter

1 THE CLERK: Criminal cause for hearing and sentencing,  
2 the United States versus Peter Liounis.

3 Counsel, please state your appearances.

4 MR. LERER: Justin Lerer and Daniel Spector for the  
5 United States. Good morning, Your Honor, and also present from  
6 the court's Probation Department is Officer Sydnee Haasnoot.

7 MS. HAASNOOT: Good morning, Your Honor.

8 THE COURT: Good morning.

9 Good morning, Mr. Liounis.

10 MR. LIOUNIS: Good morning, Your Honor.

11 THE COURT: Good morning. The only thing we have to  
12 deal with is the relevant conduct, resolve the Guidelines  
13 calculation.

14 You want to talk about relevant conduct?

15 MR. LERER: Your Honor, the government would be  
16 prepared to rest on its written submission or if the Court  
17 wants to hear argument, I'll summarize the submission.

18 THE COURT: Mr. Liounis, anything you want to say  
19 about relevant conduct?

20 MR. LIOUNIS: Yes, please. I just need a minute to  
21 get set up --

22 THE COURT: Yes.

23 MR. LIOUNIS: -- please.

24 (Pause in proceedings.)

25 MR. LIOUNIS: (Perusing documents.) Can I put this

1 down?

2 MARSHAL: Sure.

3 MR. LIOUNIS: Your Honor. If it's okay, I'm going to  
4 begin with the relevant conduct, stating what I believe is  
5 factual, and then I would -- at the end, I would like to state  
6 the cases in support of why I'm asking the relevant conduct to  
7 have to not be charged to Peter Liounis. Is that okay if I  
8 start like that?

9 THE COURT: Go right ahead, Mr. Liounis.

10 MR. LIOUNIS: Okay. Concerning the relevant conduct  
11 on October 24th, 2013, the government voluntarily dismissed all  
12 charges from the Rockford Group and the UBS Group, the UBS  
13 scheme. These were several counts charging mail fraud and  
14 money laundering counts, as well.

15 I didn't ask the government to dismiss those counts.  
16 I was prepared to go to trial, and I was prepared to fight  
17 those counts under a different standard, beyond a reasonable  
18 doubt. The government, again, dismissed these counts on their  
19 own, and now they're trying to hand it to Peter Liounis on the  
20 back end, under a different standard of preponderance of  
21 evidence.

22 I don't have copies. This would be the --

23 THE COURT: I'm familiar with that, Mr. Liounis.

24 But before you go any further, just let me tell you  
25 that the dismissal of counts has no relevance to the relevant

1 conduct issue, as far as the argument you're making is  
2 concerned.

3           What is significant is that a grand jury thought that  
4 there was probable cause to believe that you committed the  
5 Rockford Group crime and the UBS crime. And the indictment  
6 which was filed -- which is where you got that observation the  
7 other day about May rather than June or whatever the date was  
8 in the decision I read into the record -- there was an  
9 indictment filed on May 17th, 2012, in which you were charged  
10 as Mark Anderson and Andrew Black and James Weston and Mark  
11 Sloli, and you were charged with in or about and between  
12 December of 2008 and November of 2009, you and others executed  
13 a fraudulent investment scheme through a company called  
14 Rockford, and then there is also an indictment which was filed  
15 on that same day with respect to the UBS, the General Motors  
16 IPO scheme.

17           Now, the law with respect to that -- but before I get  
18 to that -- whether the government does or does not wish to  
19 pursue the prosecution on those charges is a decision which the  
20 government makes. It doesn't indicate that there was no basis  
21 for a grand jury to believe that you committed those crimes.

22           And before you go any further, just let me read to you  
23 just a little sentence from just one of countless cases: "Long  
24 prior to the sentencing Guidelines, it was settled that a  
25 sentence on a count of conviction could be based on conduct

1 charged in dismissed counts."

2 MR. LIOUNIS: Okay.

3 THE COURT: Also, it could be based even on counts  
4 resulting in an acquittal.

5 The law with respect to that is just voluminous. This  
6 is a Second Circuit case. The Supreme Court has decided that  
7 same issue on any number of occasions, as well.

8 So whether or not the government did or did not choose  
9 to continue to prosecute you on that first indictment is not  
10 going to have much significance. It doesn't have any, for that  
11 matter, with respect to relevant conduct.

12 Now, why don't you move on to something else?

13 MR. LIOUNIS: Okay. Next, I'm going to move on to we  
14 had a conversation two days ago in the courtroom concerning the  
15 relevant conduct amount and victim amount, and I had mentioned  
16 that I had an affidavit from Inspector Purnavel, which  
17 Mr. Lerer said, "I don't have."

18 Well, I brought it with me today, and the numbers from  
19 the affidavit do not come close to the numbers of the relevant  
20 conduct that the government is handing me in trying to enhance,  
21 I guess, on their own, and I would like the Court to please  
22 take a look at that, if that's okay.

23 THE COURT: Have you seen it?

24 MR. LERER: I have not seen it, Your Honor.

25 THE COURT: Why don't you show it to Mr. Lerer?

1 MR. LIOUNIS: Sure. (Complies.) It's right there and  
2 the affidavit is right in the back.

3 (Mr. Lerer and Mr. Spector peruse the document.)

4 MR. LIOUNIS: You might want to see the date on the  
5 back where it's signed.

6 It's a sworn affidavit, Your Honor.

7 MR. LERER: Your Honor, I will hand up this document  
8 in a moment. It's an affidavit in support of a search warrant  
9 in December 26th of 2009, signed by Inspector Purnavel. The  
10 government was in the midst of conducting the investigation at  
11 the time.

12 Search warrant affidavits are early in the  
13 investigative process. The SEC paperwork and voluminous other  
14 materials show the full loss amount. Let me just find the  
15 paragraph for you, Your Honor. Actually, perhaps Mr. Liounis  
16 could find it more easily.

17 What paragraph do you want to show the Judge?

18 MR. LIOUNIS: Page 19. (Indicating.) That's page 19,  
19 and then the back of it, I just want to --

20 Again, I emphasize where it's signed and sworn, that  
21 would be nowhere near the date of March, which those figures  
22 being quoted. It's in December. It's way after.

23 And Your Honor, as you're looking -- as you're looking  
24 at that --

25 MR. LERER: (Perusing document.)

1 MR. LIOUNIS: -- when you're looking at the civil  
2 complaint which belongs with that, there's a number -- a number  
3 of different companies. There's a number of different  
4 entities, et cetera. It appears to me as if I'm looking at  
5 dates of companies that were formed in 2005, 2006, 2008. I  
6 mean, during these times, I was in federal prison.

7 And it almost seems as if they were putting everything  
8 together under this one company, Rockford, and saying here,  
9 hold 11 million and two hundred worth of losses. I have not  
10 seen one impact -- victim impact statement. I mean, I'm  
11 getting all different numbers here which. They are not  
12 matching.

13 MR. LERER: Your Honor, I just want to make a record  
14 of what document that the defendant was referring to. It is an  
15 affidavit in support of search warrants of various Rockford  
16 Group email addresses. It was signed by Inspector Purnavel,  
17 P-U-R-N-A-V-E-L, on December 26th of 2009 -- December the 29th  
18 of 2009, in case M 09 1267.

19 In addition to the fact that the defendant I think  
20 misunderstands the import of a search warrant affidavit, I will  
21 note that even if you give the defendant the figure from this  
22 affidavit of 3.7 million from Rockford and you add it to the  
23 over \$3.8 million from Grayson, even if you gave him his  
24 argument, he would still be over the \$7 Guidelines threshold.  
25 So his entire argument is irrelevant as a matter of the

1 Guidelines, in addition to being incorrect.

2 MR. LIOUNIS: I would like to comment on that.

3 I beg to differ, and that this is why I brought this  
4 affidavit here today, Your Honor, to show it to you, because I  
5 don't believe those figures are anywhere near.

6 There was a time Mr. Spector and I actually had a plea  
7 agreement session for a plea, and Mr. Spector himself -- and  
8 I'll say this under oath -- said that there was a total loss of  
9 somewhere around 6 million that included both companies. This  
10 was told to me. And it now these numbers are eight, seven,  
11 8 million, you know, whatever the numbers are.

12 I don't know if it's my right, but if it is my right,  
13 I should be able to see victim impact statements. I should be  
14 able to see factual proof of the victims and their losses,  
15 where these could, I mean, these play a very big part on the  
16 enhancements and the amount of levels that could affect me, and  
17 I really believe -- and again, I'll show you the affidavit --  
18 it's not even close to the figures they're talking about.

19 Moreover, the SEC complaint that's filed is  
20 December 2009 -- it's right here -- it's pretty much the same  
21 time frame that Inspector Purnavel signed her sworn affidavit  
22 early on in the investigation. She's off by 7 million and  
23 probably 75 victims. That's a big difference.

24 THE COURT: Mr. Lerer, do you want to respond any  
25 further to that?



1 MR. LERER: I do not, sir.

2 THE COURT: Two things, Mr. Liounis. What a federal  
3 agent has placed in an affidavit for the purpose of obtaining a  
4 search warrant was based upon information which was available  
5 to the agent at that time. It is not intended to be any  
6 definitive declaration of a fact which is immutable. It was  
7 information which is designed to convince -- or satisfy is  
8 perhaps a better word -- a judicial officer -- in this case, it  
9 was a magistrate judge -- that based upon the facts which were  
10 presented by the federal agent, there was reason to believe --  
11 probable cause to believe that the search which was requested  
12 would result in a discovery of evidence relevant to a crime.

13 Now, I have a list of Rockford Funding Group victims  
14 which the government had submitted. I don't know whether it  
15 was part of the evidence during the course of the trial or not.  
16 I don't have the entire file before me. But this list runs --  
17 it's a list of victims of the Rockford Funding Group event, and  
18 the monies which they invested. It consists of one, two,  
19 three, four, five, six -- six and maybe a half or more than a  
20 half pages. I think there were 31 lines on each page. The  
21 sums were not totaled, but they are substantial.

22 And I don't know whether you have seen it or whether  
23 you have gotten it.

24 MR. LIOUNIS: I've seen a redacted list.

25 THE COURT: Of the Rockford Group victims?

1 MR. LIOUNIS: I don't know where these victims are  
2 from, Your Honor. I have no idea. I don't know these names.  
3 I don't know who's what.

4 THE COURT: Excuse me.

5 Will the government assist Mr. Liounis and perhaps the  
6 Court as well? I have a list. Written on top of this list is  
7 "Rockford Funding Group." Is this the list which the  
8 government is relying upon as representing the victims of the  
9 Rockford Funding Group fraud? Now, do you know what I'm  
10 looking at?

11 MR. LERER: I believe -- I believe I do, sir. Yes,  
12 sir. And to make a thorough record, this list was Attachment  
13 5, Exhibit 5 to the government's August 15th, 2014 letter.  
14 That letter was sent by Federal Express to the defendant and  
15 then it was handed to the defendant after court on the  
16 proceeding on Wednesday of this week.

17 THE COURT: And that was marked "Rockford Group  
18 Victims"?

19 MR. LERER: I believe that's handwritten on the  
20 Court's version. It's just Exhibit 5. It doesn't have a title  
21 in the version I'm looking at.

22 The only difference between the version that the Court  
23 is looking at and the defendant is that the lines listing the  
24 home address and the phone number of each victim has been  
25 redacted. The defendant has the names, but not the address and

1 phone number.

2 THE COURT: What was the total?

3 MR. LERER: The total can be found, Your Honor, on the  
4 last page. It is a range because --

5 THE COURT: Excuse me. Would you look at this? This  
6 is what I had annexed to tab five. What does it say about  
7 total?

8 MR. LERER: It appears that the Court is looking at a  
9 slightly different version that doesn't have the total. I can  
10 hand up the version that was given to the defendant.

11 THE COURT: That's the version I have, that is annexed  
12 to tab five.

13 MR. LERER: I don't know what to say about it, Your  
14 Honor. I can hand up the Government's 5 or I can read the  
15 number into the record.

16 THE COURT: What is the number?

17 MR. LERER: It is a range because the loss was  
18 uncertain and it was a range as to some defendants. It is  
19 between \$10,862,653. That is the low end of the range. The  
20 high end of the range is \$10,875,653.

21 THE COURT: And Mr. Liounis had this list? You say  
22 you've given him that list?

23 MR. LERER: By FedEx and by hand.

24 THE COURT: All right.

25 What else, Mr. Liounis?

1 MR. LIOUNIS: Which I'm objecting to.

2 THE COURT: All right. Your objection is noted.

3 MR. LIOUNIS: I was -- I believe that I should be able  
4 to be able to verify, Your Honor, whether through it's victim  
5 impact statements or being given -- being given, I mean,  
6 they're talking about ranges. I mean, this is pure guessing  
7 here. We're not even talking about -- there's no time frames.

8 As I said earlier, a lot of these -- a lot of these  
9 figures not only differ from the affidavit, but they stem from  
10 other companies that are in the SEC complaint, and there may be  
11 Statute of Limitations issues. These are -- there's quite a  
12 bit that needs to be figured out on that amount that you're  
13 talking about of ten million, just to hand somebody, I mean.

14 THE COURT: What else, Mr. Liounis?

15 MR. LIOUNIS: Will I be able to get victim impact  
16 statements?

17 THE COURT: You were given a statement of the list of  
18 the victims of the Rockford Group Fund.

19 MR. LIOUNIS: None of it is verified, none of it, none  
20 of it.

21 THE COURT: Excuse me, Mr. Liounis. You were given a  
22 list. You had it. You had the list of the victims and you had  
23 the list next to the names of each of the victims and the  
24 amount of money which they invested and loss. That has been  
25 submitted to the Court by the government.

1           The Rules of Evidence with respect to information  
2 submitted in support of sentencing is that hearsay is  
3 admissible.

4           I don't recall whether that list of the Rockford Group  
5 victims were introduced during the course of the trial.

6           MR. LERER: It was not, Your Honor.

7           THE COURT: It was not?

8           But it's sufficient now, and I have no hesitation at  
9 all in finding that the submission by the government with  
10 respect to the list of victims and the amount of the loss is  
11 supported by a fair preponderance of the evidence. It's your  
12 burden, Mr. Liounis, to overcome that.

13           Now, what else do you object to with respect to  
14 Guidelines?

15           MR. LIOUNIS: I'm not anywhere near finished with the  
16 relevant conduct, Your Honor.

17           THE COURT: What else are you going to present with  
18 respect to the relevant conduct? The only relevant conduct  
19 issues, Mr. Liounis, are the Rockford Group, UBS Group -- that  
20 actually didn't amount to very much.

21           That was \$59,600, I believe?

22           MR. LERER: Yes, sir.

23           THE COURT: UBS?

24           The Court could also consider in terms of sentencing  
25 the convictions in the Southern District of New York, which

1 also dealt with securities fraud, although I'm not doing it. I  
2 am considering those convictions with respect to your criminal  
3 history, but in an excess of caution, because I believe there  
4 has been some observation in connection with this issue that  
5 whether there was a significant time gap between the events  
6 which are deemed to be relevant conduct, a question as to  
7 whether it was a course of conduct may be a little doubtful, so  
8 it's not being taken into account by me.

9 So what we're dealing with are the Rockford Group,  
10 UBS, General Motors IPO, and those were in or about the same  
11 time. The time of the crime of conviction, the nine counts for  
12 which you were convicted were between December of 2008 and  
13 April of 2012. The Rockford Group fraud, which was part of the  
14 relevant conduct being considered was December 2008 to November  
15 of 2009, pretty much the same period, almost the exact same  
16 period as the nine counts of which you were convicted. And the  
17 UBS relevant conduct was in September of 2010, which is two  
18 years before the Grayson Hewitt crime, which concluded in 2012.

19 So there is a very clear line of conduct which is  
20 relevant for the Court to consider in this and is considering  
21 with respect to the sentencing Guideline determination.

22 I think you've received or should have received a  
23 letter today in which the amount of restitution which is only  
24 based upon the crime of conviction has been significantly  
25 reduced, I guess, significant. I think it was reduced from

1 four million to three million some-odd, total loss with respect  
2 to Grayson Hewitt. Have you seen that letter?

3 MR. LIOUNIS: Yes, sir.

4 THE COURT: So the total loss with respect to Grayson  
5 Hewitt is \$3,864,080.11. It was reduced from 4,380,000. So  
6 it's been reduced essentially a million dollars or at least a  
7 thousand dollars -- a hundred thousand dollars.

8 All right. So what else is there, Mr. Liounis? What  
9 else did you want to call to my attention with respect to  
10 relevant conduct?

11 MR. LIOUNIS: Okay. I would like to talk about that.  
12 First, that I'm not even mentioned or named anywhere on that  
13 SEC complaint. I was just going to make some notes as I go  
14 along. I'm not mentioned as a defendant anywhere in this SEC  
15 complaint at any time.

16 The sole person named in that is somebody named  
17 Ganotti Yoganoff (phonetic), who the civil complaint describes  
18 as the -- I guess the owner, the leader, the guy who put it all  
19 together. I don't know who that person is. But again, I'm  
20 emphasizing Peter Liounis has no nexus to that civil complaint  
21 at all.

22 Okay. Again, there's some references in that SEC  
23 complaint which reference that there were companies created  
24 during times when Peter Liounis was in federal prison.

25 THE COURT: Mr. Liounis, we're not dealing with

1 whatever it is that the SEC complaint is.

2 MR. LIOUNIS: Its relevant -- it's just relevant to  
3 that.

4 THE COURT: We're dealing with the Rockford Group and  
5 we're dealing with UBS.

6 MR. LIOUNIS: Okay.

7 THE COURT: And I am satisfied that the government has  
8 established by more than a fair preponderance of the evidence  
9 that the Rockford Group and UBS, the conduct involved in those  
10 events were relevant. They're almost precisely the same  
11 conduct as the conduct with which you were convicted involving  
12 Grayson Hewitt.

13 In the government's submission dated August 15th,  
14 there was an annexed tabs two and tab maybe three or four, in  
15 which there are these very, very, slick sophisticated brochures  
16 used to induce people to send money to this fictitious entity  
17 known as Grayson Hewitt and this fictitious entity known as  
18 Rockford. They are virtually identical in every respect.

19 Now, I'm finding that relevant conduct has been  
20 established, conduct being the Rockford Group, the UBS scheme,  
21 the General Motors IPO, and that the amount of loss, the amount  
22 of money which that or those frauds managed to accumulate was  
23 clearly in excess of \$7 million, which is the Guideline  
24 reference for increasing the base offense level from seven to  
25 20. It's Guideline -- if you're interested, Guideline 2B1.1.



1 Subdivisions (b)(1)(D) and subdivision (b)(2)(C) with respect  
2 to the number of victims, which I'm finding has also been  
3 established by a fair preponderance of the evidence.

4 Now, I think that's all there was with respect to the  
5 Fatico hearing. It was just relevant conduct. I think you had  
6 some problems -- or not problems, but objections to the  
7 enhancement for obstruction of justice. I think I dealt with  
8 that.

9 MR. LIOUNIS: Yes.

10 THE COURT: I think I determined without any question  
11 at all in my mind that your testimony during the course of the  
12 Grayson Hewitt trial was perjurious.

13 If there's nothing else than what we have --

14 MR. LIOUNIS: Okay.

15 THE COURT: Pardon?

16 MR. LIOUNIS: I'm sorry, Your Honor. I just -- I  
17 wasn't -- I just want to make the Court aware that I had some  
18 more stuff that I had --

19 THE COURT: Okay.

20 MR. LIOUNIS: -- that I need to put on the record.

21 THE COURT: Go ahead.

22 MR. LIOUNIS: I'm sorry to cut you off.

23 As far as this relates to evidence, I'd like to just  
24 put on the record that the government is using a victim,  
25 someone by the name of name of Mr. Ed Moulden, who very

1 importantly is not a victim. This is a victim who they're  
2 using to identify me as being the same person as James Weston  
3 and Mark Anderson and Andrew Black, and it's important that  
4 Mr. Moulden is not a victim, number one, of the Grayson Hewitt,  
5 although he did testify at trial. But Mr. Moulden has also  
6 previously identified someone else as the same fraudster, and  
7 there is not one single tape -- one tape of the Rockford scheme  
8 voice of James Weston, not one tape.

9 THE COURT: Mr. Liounis?

10 MR. LIOUNIS: Yes, sir?

11 THE COURT: I'm trying very, very hard to give you as  
12 much leeway and opportunity to say what you believe is  
13 important to say, but I've told you I think at least twice on  
14 Wednesday that we're not here to retry the indictment  
15 containing nine counts of wire fraud, mail fraud of which you  
16 were convicted.

17 If you think, Mr. Liounis, that there were some  
18 deficiencies in that trial, if you believe that the Court  
19 erred, that is, made mistakes in its evidentiary rulings in  
20 admitting some evidence which you believe shouldn't have been  
21 received, those are arguments which you can make when you  
22 appeal your conviction and sentence, but we're not here to  
23 retry the United States versus Liounis, on Docket Number 12 CR  
24 350. That's over.

25 MR. LIOUNIS: Okay.

1           THE COURT: We're not here to try the validity of  
2 search warrants, arrest warrants. That's over. We have had  
3 hearings with respect to that. We have had suppression  
4 hearings. We have had motions challenging the validity of an  
5 indictment. All of that is past.

6           All that is before me now is a determination of the  
7 objections you raised to the pre-sentence report, which I have  
8 dealt with, and a determination of the Guideline calculation,  
9 which the Court of Appeals has instructed the Court, the  
10 district court repeatedly over and over and over again, the  
11 first thing the district court must do, should do in sentencing  
12 is make a determination of the appropriate Guideline. So  
13 that's where we are.

14           Now, with respect to relevant conduct, we've dealt  
15 with the Rockford and USB relevant conduct, which has been  
16 deemed to be relevant conduct for purposes of sentencing. I  
17 have told you that the authority, the law in this circuit -- as  
18 a matter of fact, in this country because the Supreme Court has  
19 dealt with it in a case known as Witte, W-I-T-T-E, many, many  
20 years ago. The court -- and there is a section of the United  
21 States Code, 3661 of Title 18, which says there is no  
22 information which the Court should not consider and cannot  
23 consider in determining what a sentence -- an appropriate  
24 sentence should be. That's why the Court can consider all the  
25 conduct, your whole criminal history. That's why the Court has

1 a pre-sentence report that advises the Court of your whole  
2 life, pretty much, the story of the life of Peter Liounis. All  
3 of that is perfectly proper for the Court to consider.

4 So where we're at now, Mr. Liounis, is not the SEC  
5 letter by Joseph Bruno. We're beyond that. The relevant  
6 conduct that was an issue, I've already dealt with. The  
7 government has established to my satisfaction by a fair  
8 preponderance of the evidence that the Rockford event which you  
9 were indicted back in May of 2012, the General Motors IPO,  
10 which was -- the UBS event was all relevant conduct, all  
11 relevant part of the same scheme, common scheme, common course  
12 of conduct, count of conviction. So we're finished with that  
13 and I've determined that.

14 Now, my determination is that with respect to the  
15 Guideline calculation, there was a base offense level of seven.  
16 That level is increased by 20, based upon a loss which exceeds  
17 \$7 million, a loss caused not only by Grayson Hewitt, but also  
18 by Rockford and UBS, in addition to which there's an additional  
19 six points added to that, because there were more than 250  
20 victims of Rockford and Grayson Hewitt. The list of victims of  
21 Rockford Group -- add them up -- I think add up to something  
22 like 204, and there were 61 victims of the Grayson Hewitt scam.  
23 That's 265.

24 MR. LIOUNIS: Yes.

25 THE COURT: And there were four UBS victims. That's

1 269. And I'm finding that that has been established to my  
2 satisfaction by a fair preponderance of the evidence.

3 What we have, adding those up, the way in which this  
4 Grayson Hewitt fraud was devised and executed was extremely  
5 sophisticated. A mere glancing through that slick brochure of  
6 Grayson Hewitt brochure, the photographs of the executives and  
7 founders and officers of Grayson Hewitt is remarkable. And  
8 it's interesting that some of the people on the Grayson Hewitt  
9 brochures are also photographed in the Rockford brochure.

10 MR. LIOUNIS: Your Honor, that has nothing to do with  
11 me, Your Honor.

12 THE COURT: I know. You're not -- you weren't Mark  
13 Anderson.

14 MR. LIOUNIS: No. I'm saying the evidence points to  
15 someone named Ruslan Rapoport that the government introduced  
16 that did all these things.

17 THE COURT: Yes?

18 MR. LIOUNIS: And it appears that they're trying to  
19 hand everything to what would appear to be Mark Anderson, who  
20 was a cold caller in one out of the three things that were just  
21 described.

22 Your Honor, again, before you make any sentencing or  
23 rulings, I have -- I have case law, Second Circuit case law in  
24 support of -- to be honest with you, the opposite of what  
25 you're saying as far as relevant conduct. I understand all --

1 that you can decide or take all these factors, but I have to be  
2 able to put this on the record, because I'm objecting to all of  
3 this.

4 THE COURT: All right. Your objections are noted.  
5 They're on the record.

6 MR. LIOUNIS: But I'm not -- the cases, none of this  
7 is being allowed in. I have cases in support of my legal  
8 argument that I'm trying to put in.

9 THE COURT: Those are arguments you can make on  
10 appeal.

11 MR. LIOUNIS: Your Honor --

12 THE COURT: You don't have to make that on the record  
13 now. The fact that you've made an objection to all of that is  
14 enough. And during the course of an appeal -- which I assume  
15 you're going to make -- you can argue all that, that all the  
16 things that I have determined in connection with the sentencing  
17 proceeding you believe to be completely wrong and you have the  
18 cases to establish it. You can call that to the attention of  
19 the Court of Appeals.

20 MR. LIOUNIS: The government put a submission in, in  
21 writing. I was given two days. I didn't have a chance to  
22 respond in writing. I was told -- I explained to the Court  
23 that I would be back and I would be able to verbally make my  
24 presentation to the Court before sentencing. There's not much.  
25 There's not much here.

1 But as far as evidence in the Second Circuit, has held  
2 that relevant conduct must be proved by specific evidence, and  
3 I'm quoting *U. S. versus Archer*. That's the Second Circuit in  
4 2011. Must insure evidence of relevant conduct, solid. I'm  
5 quoting Shenobi (phonetic). Okay?

6 I have a complete list, a complete list of evidence  
7 that proves otherwise -- and I know it's not a trial, but as  
8 far as the relevant conduct goes, there are things that I have  
9 to put on the record.

10 I'm also speaking about jointly-undertaken activity.  
11 "The Second Circuit is required to make a particularized  
12 finding of the scope of the criminal activity agreed upon by  
13 the defendant." *U. S. versus Studley*. This is 1995, the  
14 Second Circuit. "Thus, if the judicial court holds the  
15 defendant accountable for conduct that was foreseeable to him  
16 over the period during which he was a participant in a  
17 conspiracy, the sentence will be reversed and the case remanded  
18 for particularized finding as to the scope of the defendant's  
19 agreement."

20 *U. S. versus Hernandez, Santiago*, Second Circuit,  
21 1996, "The Sentencing Commission has stressed that criminal  
22 activity that the defendant agreed to jointly undertake is not  
23 necessarily coextensive with the foreseeable conduct of others  
24 in furtherance of it."

25 There has not been one witness that entered this

1 courtroom and said that there was any kind of agreement to  
2 conspire, to steal. There was not one witness. That goes for  
3 all three schemes, all three of them that were mentioned here,  
4 Your Honor.

5 THE COURT: Excuse me. Excuse me, Mr. Liounis.

6 MR. LIOUNIS: Yes?

7 THE COURT: You are, again, ignoring what I have  
8 attempted --

9 MR. LIOUNIS: Maybe I'm not understanding.

10 THE COURT: Oh, you understand. I think you  
11 understand very well.

12 Now, let me tell it to you one more time. When you  
13 decided to represent yourself, you told me you're competent,  
14 your drafting competence. You can draft pleadings. You're  
15 familiar with the facts. You're perfectly competent to  
16 represent yourself. I went through that with you at the time.

17 You've been through three convictions in the Southern  
18 District of crimes which are precisely the same -- at least two  
19 are -- the Southern District indictment and the Nevada  
20 indictment.

21 Now, let me tell you again for the fourth time.

22 MR. LIOUNIS: Those are not the same.

23 THE COURT: Excuse me. Let me tell you again for the  
24 fourth time, we are not retrying United States versus Liounis.  
25 If you believe that there was no evidence to implicate you in



1 the trial of United States versus Liounis, that's something for  
2 you to argue on appeal. Now, you understand that, don't you?

3 MR. LIOUNIS: Yes.

4 THE COURT: Yes. You understand that?

5 MR. LIOUNIS: That, I understand.

6 THE COURT: And so what you're telling me now that  
7 there wasn't one witness, there was no evidence, that really  
8 relates to deficiencies which you believe were rampant  
9 throughout your trial. You raise those on appeal. We're  
10 beyond that here.

11 MR. LIOUNIS: Okay.

12 THE COURT: What else do you want to put on the record

13 --

14 MR. LIOUNIS: Please give me one second.

15 THE COURT: -- with respect to the pre-sentence report

16 --

17 MR. LIOUNIS: Okay.

18 THE COURT: -- with respect to Guidelines, with  
19 respect to relevant conduct? That's all we're here for. We're  
20 not retrying your case.

21 MR. LIOUNIS: (Perusing documents.)

22 (Pause in proceedings.)

23 THE COURT: All right, Mr. Liounis?

24 MR. LIOUNIS: I just need one minute. I'm sorry. I'm  
25 just reading something. (Perusing document.)

1           Your Honor, as far as the level of calculation and the  
2 Guidelines --

3           THE COURT: Yes?

4           MR. LIOUNIS: Okay. First, I'd like to ask why the  
5 base offense level, the wire fraud base offense level, is it  
6 not six levels? Can someone explain why it's seven levels? I  
7 thought that it was six.

8           THE COURT: The base level -- the base offense level  
9 for the nine crimes of which you were convicted is seven.  
10 That's what you start with.

11          MR. LIOUNIS: Okay.

12          THE COURT: It's 2B1.1 of the United States Sentencing  
13 Guidelines.

14          MR. LIOUNIS: Okay.

15          THE COURT: It's a base offense level of seven. Now,  
16 if you continue to read that Guideline and you go down to  
17 2.2B1.1(k), the Guideline says, "If the loss" -- and the loss  
18 includes not only the loss of the crimes of conviction, but the  
19 loss of relevant conduct -- if the loss is \$7 million and more,  
20 you increase that base offense level of seven by 20. So the  
21 Guideline at that point becomes 27.

22               And then the Guideline goes on to say in Subdivision  
23 (b)(2)(c), that if the offense involved more than 250  
24 victims -- it includes relevant conduct as well -- increased by  
25 six. So you have 27 and six is 33.

1           And then the Guideline says if this fraud was  
2 committed by sophisticated means, increase by two. So you're  
3 now up to 35.

4           And then the Guidelines provide for an increase of the  
5 offense level if there was an obstruction of justice. An  
6 obstruction of justice includes perjury committed during the  
7 course of the trial.

8           I think I read to you the other day a very pertinent  
9 observation by the Supreme Court with respect to why perjury is  
10 deemed to be an obstruction of justice. I think I read to you  
11 from *United States versus Dunnigan*. In any event, it's there.  
12 So there was another two points for that.

13           And then there were two more points for -- (perusing  
14 document) -- I think we had it all. So it adds up to 37 as the  
15 adjusted offense level, and with a criminal history of IV --  
16 the adjusted offense level of 37 and a criminal history of IV  
17 results in an advisory Guideline of 292 to 365 months, and that  
18 is the Guideline.

19           MR. LIOUNIS: Your Honor, I'm objecting to that  
20 Guideline.

21           THE COURT: Yes.

22           MR. LIOUNIS: And I'd like to read something into the  
23 record.

24           THE COURT: Sure.

25           MR. LIOUNIS: In *Studley*, the mere fact that he worked

1 alongside with others in a boiler room setting was insufficient  
2 to attribute him to the other employee's frauds. See *Studley*,  
3 47 F. 3d, at 576.

4 Peter Liounis did not help design or develop these  
5 said schemes, did not share in any profits and did not  
6 contribute resources doing it, all weigh in favor of the now  
7 jointly undertaken criminal activity to his own fraudulent  
8 activity. "The fact that the defendant has knowledge of  
9 additional criminal acts of another participant in the offense  
10 of a conviction is not enough to make the defendant responsible  
11 for those acts. More is required, such as evidence that the  
12 defendant has pooled profits or resources with other  
13 participants or otherwise directly tied his success to the  
14 activities of the other." *Studley*, 47 F. 3d at 575.

15 THE COURT: All right, Mr. Liounis.

16 MR. LIOUNIS: I'm just about done. I have one small  
17 paragraph: "In conspiracy cases, a defendant's relevant  
18 conduct does not include the conduct of others occurring before  
19 the defendant joined the conspiracy, even if the defendant was  
20 aware of that conduct upon joining the conspiracy -- even if  
21 the defendant was aware of that conduct upon joining the  
22 conspiracy." See SS 1B1.3, and the see *U.S. versus*  
23 *Miranda-Ortiz*, 926 F. 2d 172,178-78, 2d, Second Circuit, 1991.

24 "Total sales" -- this is an example -- "total sales of  
25 cocaine during a four-year conspiracy is not relevant conduct

1 for defendant who joined on the last day and could not have  
2 known the amount sold in the preceding years."

3 I'm objecting to that Guideline sentence based on what  
4 trial evidence has shown. What Mr. Lerer has handed me prior  
5 to this sentencing clearly establishes during the trial that  
6 Mark Anderson -- if he was Peter Liounis -- if he was Peter  
7 Liounis, okay? Handled less than 50 victims, is responsible  
8 for less than 2.5 million in losses; and moreover, came into  
9 the conspiracy in the middle of 2011. This is after, as you  
10 can see by this list, victims were handled by two other  
11 individuals, Lance Berman and Sam Freed.

12 And I would like to go down this entire list with the  
13 Court, because it's factually in black and white from the  
14 government. And if -- and if Mark Anderson is Peter Liounis  
15 and he entered during that period as a cold caller and nothing  
16 more -- because there's no trial evidence. There is nothing  
17 proven anything more than a cold caller. There's not even a  
18 dollar, a penny from any of these schemes, not one penny linked  
19 from any of these victims or any of these fraudulent bank  
20 accounts, nothing that has gone to Peter Liounis, not one  
21 penny.

22 So if we're going to say Peter Liounis is Mark  
23 Anderson -- again, which I am denying, Mark Anderson is only  
24 responsible for this list. And when he came into the  
25 conspiracy is sometime, again, in 2011. None of the conduct

1 prior to that -- none of that -- should be handed to a cold  
2 caller, okay? Someone who got nothing, zero, nothing, who did  
3 not play, again, a part in setting up any company, is not an  
4 owner, not a principal, has no ties to bank accounts, has no  
5 ties to any office, has no ties to any of the coconspirators.  
6 All of this came out during trial.

7 And for this Court to ignore all of this and hand  
8 Peter Liounis a Guideline range based on everything that was  
9 just said is not fair at all. It's not fair at all. And I am  
10 objecting to every one of those enhancements, the dollar  
11 amount, the victim amount -- I'm objecting to everything, Your  
12 Honor. I'm objecting to everything.

13 THE COURT: Your objection is noted.

14 Now, let's proceed to sentencing. Do you want to be  
15 heard with respect to sentencing, Mr. Liounis? Anything you  
16 want to say --

17 MR. LIOUNIS: Yeah, I'd like to say one last thing.

18 THE COURT: -- with respect to --

19 MR. LIOUNIS: That during these schemes, I had a full  
20 time job, which my probation officer was visiting me frequently  
21 in the front in -- in front of the store during these periods.  
22 How could I possibly be doing these crimes when I'm at work --

23 THE COURT: Mr. Liounis.

24 MR. LIOUNIS: -- at a job?

25 THE COURT: Mr. Liounis, what would you like to say to

1 me in mitigation of sentence. Anything?

2 MR. LIOUNIS: Yes, I do, Your Honor.

3 THE COURT: Go ahead, please.

4 MR. LIOUNIS: I need a minute. I'm sorry. I have to  
5 look through my notes.

6 THE COURT: Yes.

7 MR. LIOUNIS: (Perusing documents.) I'm missing a  
8 page.

9 (Pause in proceedings.)

10 THE COURT: Please proceed, Mr. Liounis.

11 MR. LIOUNIS: Yes. I do. Okay. Your Honor, I ask  
12 that if it's a possible, what we discussed as far as the  
13 wording on the PSR being changed --

14 THE COURT: Yes?

15 MR. LIOUNIS: -- is that possible that that could be  
16 confirmed prior to filing the Judgment and Conviction, to make  
17 sure that it was done?

18 THE COURT: Mr. Liounis, I eliminated -- I struck from  
19 the pre-sentence report language relating to your conduct --

20 MR. LIOUNIS: The same thing --

21 THE COURT: -- affecting -- excuse me.

22 MR. LIOUNIS: I'm sorry. I thought you were finished.

23 THE COURT: Relating to violence, right? You wanted  
24 that eliminated?

25 MR. LIOUNIS: Yes.

1 THE COURT: Correct? And it was. And I directed the  
2 probation officer to eliminate that portion of the pre-sentence  
3 report which reflected that, but while we're on that --

4 MR. LIOUNIS: The only reason I'm asking is because  
5 the same thing was done in the SD New York and it was never  
6 done and I was not able to get the drug program which I needed  
7 at that time very badly. That's why I'm asking.

8 THE COURT: All right, Mr. Liounis. With respect to  
9 that, I'm reading from the sentencing proceeding before Judge  
10 Hellerstein on your combined sentence, sentence combining your  
11 Southern District indictment and your Nevada indictment.

12 This is Mr. Bachner, your lawyer, on page -- whatever  
13 the page is of the -- on page 16, which are paragraphs 51 and  
14 52 of the PSI, there's a reference over there, "In connection  
15 with the extortion counts, that on October 1st, 1997, Rizzuto,  
16 I think it indicates, at the direct of Culkin, Liounis and  
17 Rizzo engaged in behavior relating to the extortion. It's my  
18 position, Your Honor, and I think the government would agree  
19 with this, that the words of the direction -- let me not talk  
20 on the behalf of the government, but let me talk on behalf of  
21 Mr. Liounis -- it has always been Mr. Liounis' position as well  
22 as frankly the position of the other defendants that whatever  
23 physical assault occurred on the victim in this case was never  
24 at the 'direction' of Mr. Liounis, or frankly, any of the other  
25 co-defendants. It was a foreseeable event to them, but it was



1 never at their direction".

2 And he went onto say, "Indeed, Your Honor, the  
3 individuals who physically did what the indictment charges  
4 would not take direction from Mr. Liounis or anyone else. They  
5 took direction from other people, Your Honor, in other  
6 positions. Indeed, Your Honor, the monies that were owed to  
7 Mr. Liounis were owed by Mr. Liounis to other people. The  
8 other people who wanted that money paid back don't take  
9 direction from Mr. Liounis or anyone else. When Mr. Liounis  
10 complained about the fact that the money hadn't been paid, it  
11 was done essentially, Your Honor, on their own, to go down  
12 there and pay a visit, but it was foreseeable to Mr. Liounis  
13 that if individuals like this paid a visit and money wasn't  
14 paid that a physical assault could occur and might occur, and  
15 it was certainly foreseeable to him and in no way in anyway  
16 attempt to mitigate his plea or any of the behavior involved."

17 All right. Now, what else did you want to say?

18 MR. LIOUNIS: I would like to put on the record --

19 THE COURT: Yes?

20 MR. LIOUNIS: -- a few cases for accumulative effects.

21 "On the addition of overlapping enhancements results in a  
22 significant increase in the sentencing range, a departure may  
23 be considered under 5K2.0." See *U. S. versus Abiodun*,  
24 A-B-I-O-D-U-N, 536 F. 3d 162, 170, Second Circuit, 2008.

25 THE COURT: Mr. Liounis, these are matters that you

1 can raise on appeal.

2 MR. LIOUNIS: I thought I had to put that on the  
3 record. Okay.

4 THE COURT: All right. Now, what do you want to say  
5 to me in mitigation of sentence? Is there anything you'd like  
6 to say?

7 MR. LIOUNIS: Your Honor, what I'd like to say is, as  
8 I mentioned a while back, that at one time in life, you know, I  
9 went through a little bit of a rough time -- I shouldn't say  
10 that it ever really ended -- but Peter Liounis did have a very  
11 severe drug problem, alcohol problem and a gambling problem,  
12 and this is something that -- I could sit here and say I never  
13 really -- never got the help that I probably did need. And  
14 it's no excuse. I know I should help myself. But when you're  
15 dealing and struggling with not one, but three different vices,  
16 it's a little rough in life.

17 And I just want the Court to understand that there are  
18 two Peter Liounises, and there's one who's not high, not drunk  
19 or, you know, who's not messed up, and that person is a loving,  
20 caring person and will do anything for anyone in this world and  
21 has done that.

22 And then there's that person that -- it's hard to  
23 explain, that I don't even know who he is at times. And again,  
24 unless you have any experience with what I'm talking about,  
25 which I'm sure you do not, it's just something that I would

1 like the Court to consider that I never did receive any help.

2 That's why I mentioned that the wording, if it could  
3 be possibly changed, in case this Court would recommend any  
4 kind of programs that could help me, because the last time I  
5 tried to get the residential program, it was denied because of  
6 the reason I stated. The wording was never -- was never  
7 changed on the PSR to show that, you know, I really -- I had --  
8 that I didn't have anything to do with the violence, that I  
9 didn't order it. And again, it's just something, you know,  
10 that this dates back since childhood. This is not something  
11 that is new.

12 And I just want the Court to take under consideration  
13 that Peter Liounis is not -- is not who he thinks he is and,  
14 you know, and for the person who is the person on drugs and the  
15 person who doesn't know any better because he's an idiot, that  
16 person does apologize. I apologize for that part of Peter  
17 Liounis that is -- that is something that I really couldn't  
18 ever really control. And I'd like the Court to know that  
19 before that you sentence me.

20 Somebody on drugs is very easily manipulated. Someone  
21 on drugs doesn't really know too much about what they're doing.  
22 Sadly, they don't think about too many people. They don't even  
23 think about their immediate loved ones. You know, when people  
24 are on drugs, some people will stop at nothing. And again,  
25 they don't -- they don't consider it, and they don't consider

1 any harm they do to anyone, whether it's a stranger, whether  
2 it's a loved one. It could be a child. It could be anybody.  
3 It's only about getting drugs, getting high.

4 I was interviewed by my PSR officer, the probation  
5 officer, and he had asked me if I had any addictions and I was  
6 very clear on it, that I had addictions to oxycodone. I had  
7 addictions to cocaine.

8 I mean, if you hear discovery, there's discovery on my  
9 cell phone, of Peter Liounis' cell phone, I mean, which you  
10 could clearly -- you could hear me talking about buying, you  
11 know, a test, a pee-pee test, I usually would call it, from a  
12 pharmacy to make sure that my urine is clean. Well, Your  
13 Honor, to be very upfront, I mean, I have purchased many, many,  
14 many of those tests to make sure that my urine was clean. And  
15 again, I was really -- I was messed up out there. And that's  
16 the truth. I was really messed up and I was messed up for a  
17 long time.

18 And I apologize, but I never went and got the  
19 treatment I needed. I went right back to drugs. I went right  
20 back to alcohol. And again, you know, when you're in that  
21 circle, you start to meet up with people who are also in that  
22 circle, doing the same drugs and drinking, and gambling. And  
23 you start to surround yourself with people like that, and  
24 unfortunately, you start to -- you start to behave in old ways.

25 And no one put a gun to my head, but my vices, they

1 were not small. My vices were very, very severe. I wasn't  
2 taking one pill. I would take three, four pills. I wasn't  
3 using a little bit of cocaine. I was using a lot of cocaine.  
4 There was times I didn't sleep for three, four days because of  
5 what we would call a party, just being high, not realizing.

6 And I really believe the Court should know this before  
7 you sentence me, that someone who's in their right mind is not  
8 ever going to harm anyone. They're not. And whenever I was in  
9 my right mind, Your Honor, I never hurt anyone in this world.

10 Even going back to that PSR, let me explain that. The  
11 God's honest truth, I did not send anyone. I found out about  
12 the violence after. I never hurt anyone. If the government  
13 could bring someone in this courtroom that Peter Liounis ever  
14 hurt -- I never hurt anyone. I went through high school. I  
15 never even got suspended. I never got in trouble. I'm not a  
16 violent person. I'm a nonviolent offender. I never hurt  
17 anyone, never.

18 If I picked up a phone call during my last case and I  
19 called Sharp Capital, there was more reasons than the Court  
20 knows. They were shorting the stock. You could interpret it  
21 either way, anyway you want. But they were shorting the stock  
22 and the stock was dropping. When the stock drops, victims lose  
23 money, people lose money.

24 If you look at my sentencing, Your Honor, on those  
25 transcripts, there's a part there where I believe it's Ms.

1 Zornberg, the prosecutor even states that people were  
2 misleading and misleading and misleading. Well, she also  
3 states Peter Liounis was not one of those people. She makes it  
4 very clear in the sentencing. And I'm not saying that it was  
5 Peter Liounis, because I -- it wasn't. I'm not going to go  
6 backwards. At this point, I'm just -- I'm being upfront with  
7 the Court.

8 Drug addiction, it's not a joke. It's not a joke.  
9 And you may think and Mr. Lerer may think prison is the  
10 solution, and I don't think it's the solution, Your Honor. I  
11 don't think it's the solution because Peter Liounis went to  
12 jail for seven years and in that seven years, I received no  
13 help, zero, nothing. I did a 20 hour program that really  
14 was -- did nothing for me. I returned back to society with  
15 nothing, no training, no nothing, zero, nothing. I had  
16 nothing. I had no money. I literally was taken in by a  
17 friend. I had nothing. Zero.

18 And it's, you know, you become depressed. (Pausing.)  
19 Give me one second. (Pausing.)

20 And you become depressed -- depressed and you go  
21 backwards. There was nothing, nothing. The only thing I knew  
22 about was in high school, I became a stockbroker. I didn't  
23 know anything else. I had no training, no skills.

24 But I came home, I couldn't find a job. There was  
25 nothing for me. Zero. But what was there? People from the

1 past, people who did drugs, people who promised you the world,  
2 people -- the point I'm making is, I came home. I didn't have  
3 a shot. I didn't have a prayer -- not a prayer, nothing. I  
4 didn't have no money. I didn't have nothing. And when you go  
5 on drugs, Your Honor, you can't understand unless you live it.

6 You would never understand what it's like to be on  
7 drugs for three or four days and not even know where you are,  
8 nothing. And there's no income. There's nothing. There's  
9 nothing. And then it just leads to other vices and other vices  
10 and other vices. It's like a rollercoaster ride.

11 I would rather go to a five year program, seven year  
12 program, an eight year program, if that would -- if that would  
13 help me. I would admit myself to a program like that, which if  
14 you asked me this question while I was free, I probably  
15 wouldn't have done it.

16 But I've had time. I have been in prison now for a  
17 year. And I'm not doing drugs here, and when you're in prison  
18 and you're not doing drugs, you start to reflect and you start  
19 to see what the decisions you've made.

20 I need programming. I need help. I don't need  
21 prison. Mr. Lerer says, "Oh, Mr. Liounis didn't learn his  
22 lesson. He did seven years. Mr. Liounis didn't learn his  
23 lesson."

24 Your Honor, I never got any help. I never got help  
25 for these addictions.

1 THE COURT: Are you finished?

2 MR. LIOUNIS: Yes.

3 THE COURT: Does the government want to be heard?

4 MR. LERER: Yes, Your Honor.

5 The government seeks a sentence of 365 months  
6 imprisonment, the top of the Guideline range determined by the  
7 Court. The government does not seek a sentence like that  
8 lightly.

9 In reviewing the materials, the government can find  
10 nothing in the defendant's background, in the cruelty of the  
11 offense, in his conduct during his entire life to warrant  
12 anything other than the top of the Guidelines.

13 The Court is well familiar with the scheme. The Court  
14 is well familiar with the defendant's prior convictions. He  
15 received 87 months custody from Judge Hellerstein. This  
16 appeared to have absolutely no effect on the defendant. He  
17 returned to a life of crime immediately, committing the instant  
18 offense while on supervised release.

19 The defendant pleads that no help was available to  
20 him, but that's what's remarkable. While on supervised  
21 release, when the Probation Department was there to try to get  
22 him on his feet, he turned immediately to crime.

23 The defendant claims that he was influenced by  
24 addictions to drugs. The Peter Liounis we hear on the calls  
25 that we heard at the trial is extremely cogent, sophisticated,



1 not a raving drug addict, a cold blooded criminal.

2 The defendant says that he never hurt anyone. There  
3 are 265 victims in this case. All of them were hurt.

4 Devastated --

5 MR. LIOUNIS: I was --

6 MR. LERER: It's my turn, sir.

7 -- by Peter Liounis posing as Mark Anderson, James  
8 Weston, all the other names.

9 I will just give a small sample of the victims.  
10 Mr. Nissen, his father going into assisted living, the  
11 defendant deprived him of the money in his account, then sent  
12 him a fruit basket instead. Mr. Zahler, a man in his eighties  
13 with a heart condition. Mr. Zahler called the government this  
14 week, inquiring about the case. Mr. Cuthbertson, who lost over  
15 \$1.5 million, some of which is money set aside to care for his  
16 blind son. The defendant has no remorse for what he did to  
17 these individuals and is only seeking pity for himself. The  
18 crime here is remarkably cruel.

19 The defendant's history offers no mitigation, prior  
20 convictions. He's educated. He graduated high school, some  
21 college. He was a licensed stockbroker. He did not have to  
22 commit these crimes.

23 He perjured himself in this court. He accused an  
24 innocent man, Chris Mertz, of the crime. He has shown a  
25 complete disregard for the truth throughout the entire

1 proceedings in this case.

2 But if I could make one point, out of the 3553(a)  
3 factors that arises above everything else and counsels for a  
4 lengthy prison sentence, it would be protecting the public.  
5 The defendant is unrepentant. The defendant will commit this  
6 crime again the moment he is released from prison. That  
7 appears to be a certainty. Before Judge Hellerstein, he said  
8 that he would go straight, get an honest job, and he  
9 immediately committed crime. It is a certainty that he will  
10 commit this crime again.

11 The public needs to be protected from this man. The  
12 longer he is in jail, the longer a time it is before he can  
13 prey on innocent people again. The government seeks 365  
14 months, Your Honor.

15 MR. LIOUNIS: Your Honor, can I comment on that,  
16 please?

17 THE COURT: Sure.

18 MR. LIOUNIS: Your Honor, if you listen to some of  
19 these tapes, I think it's important where Mr. Lerer says, oh,  
20 the person is disguising their voice, the person is disguising  
21 their voice. Your Honor, I'm not sure if you've ever heard  
22 somebody who is a drunk or high or not doing well, but their  
23 voice does change. Okay?

24 I want to talk about my education. I went to high  
25 school. I was an average student. I studied very, very hard

1 for my Series 7. That license was taken away.

2 When I came home, I did work. I worked. The only  
3 jobs I could find -- I found in Bella Mia Cafe, which I was a  
4 counterperson. I worked every day. I worked for All City  
5 Meats. I maintained employment. I worked very, very hard. I  
6 tried. I did everything I could.

7 Mr. Lerer, I don't believe -- I'm sure doesn't have  
8 any past drug use. To sit here and say any of that, it tells  
9 me you don't have anything -- any knowledge of drug abuse.

10 Drug abuse and alcohol abuse, even gambling are three  
11 very serious vices. They're very serious. And if they're not  
12 treated properly -- they're not treated -- I did not get any  
13 help. I didn't get any help. You can't show me any help that  
14 I received.

15 The PSR wasn't even changed on the last case. When I  
16 was pushing for the residential drug program, I was going to my  
17 counselor constantly. "I really need this program. I need my  
18 program." They kept saying, you can't, because there's  
19 violence written throughout the thing, and I kept telling them,  
20 no, it's not. It was changed. Apparently, I was wrong. It  
21 was never changed. I never got any help. I never received any  
22 help.

23 If you look at my family -- you look at my family  
24 tree, sir. I could stand here and I could say proudly, my  
25 family, there are no criminals in my family. Find me one. I

1 have I believe seven or eight doctors in my family. Okay? My  
2 mom and dad worked hard all their life. My sister worked hard.  
3 I always worked hard. How dare you? How dare you say any of  
4 that? I resent all of that.

5 Drugs and alcohol, I don't wish on my worse enemy and  
6 you're asking for a sentence that absolutely -- absolutely is  
7 disgusting, when I'm sitting here and telling you from my heart  
8 that I've never gotten any help, that I have massive vices, and  
9 someone on drugs doesn't know what they're doing. Okay? They  
10 don't know what they're doing.

11 My mother, I loved to death. I would die for my  
12 mother. Do you have any idea how much money I have taken from  
13 my own mother to buy drugs? Do you have a clue? I don't think  
14 you have a clue, sir. And I resent that you're saying these  
15 things and I'm telling you now, it's not fair. It's not fair.

16 THE COURT: All right, Mr. Liounis.

17 MR. LIOUNIS: No one here has an idea what drug abuse  
18 is like. I don't believe anyone in this courtroom has an idea  
19 of that.

20 THE COURT: All right. Thank you very much,  
21 Mr. Liounis.

22 Now, let me proceed to the sentence being imposed on  
23 Mr. Liounis.

24 Let me deal with the 3553 factors. The history and  
25 characteristics of Mr. Liounis are pretty well summarized in

1 the pre-sentence report. He was born in Brooklyn in 1972. His  
2 father was a retired waiter. His mother, also retired, owned a  
3 beauty salon. They lived together in Toms River, New Jersey.  
4 He has a sister, older. She's unemployed. She lives in  
5 Brooklyn. Says he has a close relationship with her.

6 Mr. Liounis married Lori Tesman in September of '09 in  
7 Staten Island. She's a receptionist. He has had no contact  
8 with her for two years. There have been no children. There  
9 were divorced in 2011, January 1st.

10 Mr. Liounis had lived in Brooklyn until the age of 25.  
11 He then moved to Staten Island. He was in prison from ages 29  
12 to the 36. He returned to Staten Island when he was released  
13 and continued to live there until he was arrested in this case.

14 While he was in prison, he participated in educational  
15 and vocational programs, and he had one minor disciplinary  
16 infraction.

17 As far as his physical condition is concerned, he has  
18 some allergies. He has asthma. He has a vascular problem in  
19 his legs for which he had two surgeries while he was  
20 incarcerated. Occasionally, he has outbreaks of gout.

21 Now, he had a gambling addiction. He suffered from  
22 depression. His mental health counsel -- or had mental health  
23 counseling in New York for three months. He had gambling  
24 addiction treatment in 2008. He requested, but didn't receive  
25 counseling while he was at the MDC.

1 Now, in terms of his substance abuse, his pre-sentence  
2 report reports he reported to his probation officer who  
3 prepared this pre-sentence report that he began drinking  
4 alcohol in his late teens, and when he wasn't incarcerated, he  
5 consumed only a few drinks on social occasions, he said. He  
6 explained that his alcohol consumption was never excessive and  
7 never an issue.

8 He informed the probation officer that he began  
9 smoking marijuana in his late teens, used the drug infrequently  
10 for a brief period of time. He noted that he started using  
11 cocaine in his late twenties, and used the drug approximately  
12 once a month.

13 He explained that his biggest substance abuse problems  
14 stem from his excessive use of oxycodone pills in the six  
15 months prior to his arrest and incarceration for the instant  
16 offense. He explained that he suffered physical withdrawal in  
17 the first few days of his incarceration which he dealt with on  
18 his own.

19 He reported no history of substance abuse treatment,  
20 as verified by the Probation Department supervision records;  
21 however, he attended substance abuse treatment while confined  
22 to a community correction center between October 2007 and March  
23 of 2008.

24 Notably, he did not undergo any form of substance  
25 abuse treatment while on supervised release for his prior

1 federal conviction, and all of his random drug tests during his  
2 prior term of supervision were negative for the presence of  
3 illegal substances.

4 He was a high school graduate, went to Fort Hamilton  
5 High School and he attended one semester of Staten Island  
6 College. He had a Series 7 and 63 brokers license, which was  
7 suspended in 2001.

8 His employment record is -- well, he's been unemployed  
9 since September of 2010. From May through September of 2010 --  
10 those are four months -- he worked for All City Meats in Jersey  
11 City. In April of 2009 to I think it's August or maybe  
12 February of 2010, he worked for the Bella Mia Bakery and Cafe  
13 in Bayonne, New Jersey. For about a year, he worked for Noble  
14 Review in Staten Island, and then from August 1st to March of  
15 '08, from August of 2001 to March of 2008, he was incarcerated.  
16 His tax return filings are very spotty.

17 His financial condition, he had a \$200 checking  
18 balance. He owes in restitution \$5,126,273. He also owes  
19 ConEd, ATT and an auto lease 3000 plus. He owns 449 Brighton  
20 Street in Staten Island that he bought in 1996 for \$350,000,  
21 and he has a 2012 Volkswagen. There are outstanding judgments  
22 in excess of \$100,000.

23 His criminal history category, I think we've already  
24 alluded to on several occasions. He has a criminal history  
25 category of IV. The nature and circumstances of the offense

1 and also the history and characteristics of the defendant -- in  
2 a cover letter that he sent to the Court -- cover letter  
3 referring to his sentencing memorandum and his PSR  
4 objections -- in his cover letter, he said he completed 300  
5 hours of community service that was imposed by Judge  
6 Hellerstein on his Southern District convictions. That seems  
7 to be belied -- it is. It seems to be belied by paragraph 68  
8 of his pre-sentence report, which says that he failed to  
9 complete the required hours of community service.

10 He said in his cover letter that the victims who  
11 testified suffered and it's very sad, but he's not the person  
12 who did it to them. He was held in contempt because he  
13 couldn't handle all the lies and his own attorney's inactions.

14 It's not Mark Anderson. He's innocent. Mr. Gold, his  
15 lawyer, who is his lawyer, he says, told the jurors he was  
16 guilty. He didn't receive a fair trial. Gold's summation to  
17 the jury he says was malicious, vindictive and false.

18 He testified under oath at trial. He said he didn't  
19 participate in this scheme to defraud investors in Grayson  
20 Hewitt. He says he never got a package in the mail in the name  
21 of Mike Sloli, although I seem to recall there was a video of a  
22 postal truck coming to the house in which he lived, I think,  
23 addressed to Mike Sloli, which I believe to be Mr. Liounis,  
24 came to the truck to pick up.

25 He didn't take money from a bank under false



1 pretenses. He deposited a check in his own name. He said this  
2 is his trial testimony: "It was a check in my name for under a  
3 thousand dollars that was not supposed to be deposited," but he  
4 deposited it.

5 In pleading guilty to that bank fraud or robbery  
6 charge, he said he stole money in excess of a thousand dollars  
7 from a bank by stealing checks, cashing them at the bank, by  
8 fraudulently withdrawing money from accounts of third parties.  
9 That seems to be quite inconsistent with his testimony that it  
10 was a check in his name for under a thousand dollars that was  
11 not supposed to be deposited, but he deposited it.

12 At sentencing in April 2007, the Assistant United  
13 States Attorney said, "Every time one of those checks was  
14 stolen, every time someone's investment account was broken into  
15 and fraudulent wire transfers were arranged, there was a  
16 victim. For example, a woman with diminished capabilities lost  
17 her life fortune when Liounis and his cohorts transferred money  
18 out of her account. A man living in France suffering with  
19 cancer wanted everyone to know without his knowledge, more than  
20 half a million dollars was wire transferred out of his account.  
21 And the person on the phone talking to the bank, pretending he  
22 was the account owner to arrange the transfer was Peter  
23 Liounis." The transcript --

24 MR. LIOUNIS: Where does it say that?

25 THE COURT: -- at pages 12 and 13.

1           His attorney at sentencing said, "He knows what he did  
2 was just horrible behavior. He doesn't for a moment mitigate  
3 the seriousness of what he did and the pain that he caused to a  
4 lot of innocent people." This was before Grayson Hewitt. This  
5 was with respect to the Southern District conviction and  
6 sentence.

7           And then in his sentencing, he said to Judge  
8 Hellerstein, "This is my opportunity to express openly how sad  
9 and remorseful I am for all the pain that I have caused  
10 innocent people. For what I did, I deserve to be punished. I  
11 know my punishment will be serious and I accept that. Maybe  
12 jail is what I need to shock myself back to reality. I beg you  
13 to show me and my family some mercy in sentencing me. There  
14 really is a lot of good in me. I ask you to please allow me a  
15 chance to prove it." This is a transcript in 99 CR 937, in  
16 addition to the Nevada transcript. They were both combined for  
17 sentencing. So it's a transcript of May 1, 2001, at pages 18  
18 and 19 of that transcript.

19           And it wasn't long after he was released from prison  
20 in 2008, after this plea before Judge Hellerstein that he knew  
21 that he caused innocent people a lot of pain, he was sad about  
22 it, he was remorseful, he then proceeded to incur and impose an  
23 incredible amount of pain on an awful lot of innocent  
24 hard-working people whose testimony I listened to during the  
25 course of that trial.

1           The Southern District New York crimes were not  
2 convictions following a trial by jury. What is known about the  
3 pain caused to innocent people are only the statements that  
4 were made by the defense counsel and the government at  
5 sentencing. I read some of those statements.

6           The judges in those cases, McKenna and Hellerstein,  
7 didn't hear and almost feel the pain of his victims as they  
8 related that pain from the witness box. I did. I heard it  
9 from the mouths of those victims, and it was almost palpable.

10           I heard Mr. Nissen, who is a policeman from Kentucky,  
11 talk about his father who needed some money to take care of  
12 himself. I think he was in a nursing home. And Mr. Liounis  
13 tells him there was just \$3000 left, which he never sent him  
14 anyway, when in fact, there was \$23,000 left in that account,  
15 and what Mr. Nissen's father got instead was a basket of fruit.

16           Arthur Zahler, a man in his eighties, remarried.  
17 Invested not only his money but his wife's, his second wife's.  
18 They were both hoping to retire on what they had saved, were  
19 induced to send that money to Mr. Liounis, thinking they were  
20 investing in Grayson Hewitt.

21           Ronald Cuthbertson, unbelievable. He sent over a  
22 million dollars to be invested in Grayson Hewitt. And there  
23 were others, Mr. Lamaggia, one or two others whose names I  
24 didn't bother to write down.

25           These are people whose monies were saved as a result

1 of hard work. They saved it for retirement. They saved it for  
2 children's education. They saved it to pass on to  
3 grandchildren in the event of serious illness. Mr. Nissen, he  
4 cared for an invalid.

5 In listening to those telephone calls by Mr. Liounis  
6 to those innocent gullible people, callous, completely  
7 indifferent to all of that. His only concern, his only aim was  
8 to extract from his innocent gullible victims more saved,  
9 hard-earned money by a very sophisticated scheme -- and all of  
10 that while the patina of more than seven years in prison for  
11 the same crime had barely begun to wear off on him. History  
12 and characteristics of Mr. Liounis.

13 That brings me to the 3553(a) Subdivision (2),  
14 seriousness of the offense. How does one calculate the  
15 seriousness of this offense? How does one calculate four or  
16 three -- this was reduced 3,800,000 some-odd thousand dollars  
17 extracted from 61 people of Grayson Hewitt, and for more than  
18 200 some-odd people in Rockford, and the four victims in UBS,  
19 who sent him \$59,000. How do you calculate the seriousness of  
20 that offense?

21 We normally think of serious offenses as being an  
22 assault, kidnapping, a murder. It's one event. One  
23 significant piece of harm inflicted on one person, we regard  
24 that as a serious offense. This was harm of a different order.  
25 This was depriving people of a lot of money which they earned

1 as a result of hard work, and hoped to be able to ease their  
2 lives as they went on.

3 These crimes are serious. These crimes are serious.  
4 The 3553(a)(2) also speaks of the need for sentence to promote  
5 respect for the law. It says the statute is what the judge  
6 tries to impress upon the defendant being sentenced, the  
7 objective is to promote respect for the law.

8 What that means is not that by these statements that a  
9 judge makes at sentencing and sort of verbally injects into the  
10 head of the defendant some respect for the law. It doesn't  
11 mean that. It means to get the defendant to understand and  
12 understand in the very core of his being that the law means  
13 what it says. The law means what it says when you don't steal,  
14 when you don't steal checks, when you don't extract money from  
15 accounts that don't belong to you, when you lie, cheat,  
16 deceive, innocent gullible people of their monies which they  
17 worked hard to accumulate.

18 But you didn't believe that. You didn't believe the  
19 law means what it says. Not only were you convicted of three  
20 crimes in the Southern District of New York, all of which were  
21 pretty much in piece for the crime for which you were convicted  
22 here, but it wasn't long after you got out of prison that you  
23 were at it all over again --

24 MR. LIOUNIS: Drugs.

25 THE COURT: -- inducing people from Grayson Hewitt,

1 thinking they were investing money in a company that was buying  
2 hopefully the proceeds of lawsuits, that they would succeed.

3 The record makes clear that you didn't believe that  
4 the law applied to you. You have no respect for the law, for  
5 the sanctity of an oath. I've heard your testimony that  
6 established that.

7 What's just punishment? 3553(a)(2), tells the Court  
8 to consider -- should be significant enough to make you  
9 understand that the law does mean what it says when it says  
10 certain conduct is unlawful.

11 All the factors that 3553(a) advise the Court to  
12 consider courts from time and memorial have been considering  
13 deterrence as a significant objective of sentencing.  
14 Unfortunately, it doesn't really work.

15 Specific deterrence didn't work in Mr. Liounis' case.  
16 If it had worked after he had been sentenced to 87 months, he  
17 would have learned not to commit crime again, would have  
18 deterred him from committing crime again, but it didn't deter  
19 him at all. And general deterrence --

20 MR. LIOUNIS: Your Honor --

21 THE COURT: -- of all the victims --

22 MR. LIOUNIS: Drugs, Your Honor. You don't  
23 understand.

24 THE COURT: I'm sorry?

25 MR. LIOUNIS: I did drugs. I did drugs. Nobody's

1 understanding how serious drugs -- no one's even talking about  
2 that.

3 THE COURT: Well, your pre-sentence report --

4 MR. LIOUNIS: You don't think about anything, Your  
5 Honor, when you're on drugs. You don't think about nothing,  
6 nothing, zero.

7 THE COURT: Your pre-sentence report which I've read  
8 didn't suggest that your drug problem was all that serious.  
9 But in any event --

10 MR. LIOUNIS: It's very serious.

11 THE COURT: -- excuse me. But in any event, being on  
12 drugs doesn't excuse the commission of crime.

13 MR. LIOUNIS: And all these things that are being  
14 said, Your Honor, you're saying 250 people is attributable to  
15 me. Why? Why is that attributable to Peter Liounis?

16 THE COURT: Let me proceed with respect to the  
17 sentence.

18 On Count 1 -- this is after I've considered -- I have  
19 considered carefully the 3553 factors, and I've considered and  
20 thought carefully during the seven days of this trial -- I  
21 think it was seven full days of this trial -- in the weeks and  
22 months since, how much pain, how much suffering has been caused  
23 to people who were induced to part with money which they worked  
24 very hard to accumulate and how much harm that caused those  
25 people and their families.

1 Count 1, I'm going to commit Mr. Liounis to the  
2 custody of the Attorney General for a period of 240 months,  
3 three years of supervised release, \$100 special assessment and  
4 restitution to be paid to the known victims of the Grayson  
5 Hewitt fraud, and they're known and the amounts of their loss  
6 is known, in an amount of \$3,864,080.11. Restitution is to  
7 paid at the rate of \$25 a month while he's in custody and ten  
8 percent of his gross monthly income thereafter.

9 On Counts 2 through 7 and 8, each of those counts, 240  
10 months concurrent to each other and with Count 1, and three  
11 years of supervised release on each count, \$100 special  
12 assessment on each count.

13 And then on Count 9, 52 months in the custody of the  
14 Attorney General, consecutive to all the others, plus three  
15 years of supervised release and \$100 special assessment, for a  
16 total special assessment of \$900.

17 The three years supervised release term will all be  
18 concurrent. I believe the law requires it.

19 There's no fine. According to information reflected  
20 in the pre-sentence report, he doesn't have it.

21 As far as the supervised release is concerned, the  
22 terms of the supervised release should include that he comply  
23 with the order of restitution, that he make full financial  
24 disclosure to the Probation Department, as they may direct him  
25 to, to participate in mental health treatment programs approved



1 by the Probation Department, contribute to the cost of those  
2 programs to the extent that he's reasonably able to do so.

3 He is prohibited from any employment involving  
4 securities, and his employment, if he does have any, it will be  
5 verified by the Probation Department.

6 He is to participate in either an inpatient or  
7 outpatient drug treatment and detoxification programs approved  
8 by the Probation Department and submit to drug testing as the  
9 Probation Department may require him to.

10 I believe there's still an underlying indictment that  
11 may still be out there, is there? The first indictment, in  
12 which the Rockford Group and the UBS, those counts were  
13 dismissed. Is that indictment still there?

14 MR. LERER: Your Honor, I think there were counts of  
15 this indictment. There are open counts, sir.

16 THE COURT: Pardon?

17 MR. LERER: There were open counts, sir, yes.

18 THE COURT: The counts were dismissed?

19 MR. LERER: Yes, sir.

20 THE COURT: So what's left of the open counts? There  
21 is no other underlying indictment, is that correct?

22 MR. LERER: Yes, sir. Yes, sir.

23 THE COURT: Now Mr. Liounis, I'm advising you that you  
24 have a right to appeal your conviction and your sentence, and  
25 if you can't afford to pay for the cost of an appeal, you can

1 make an application to have the costs waived.

2 These proceedings are concluded.

3 MR. LIOUNIS: Your Honor, can I just put something on  
4 the record for the sentencing?

5 THE COURT: Surely.

6 MR. LIOUNIS: I just want to put on the record that  
7 I'm objecting to the reasonableness of the sentence, and that  
8 the Court has not adequately considered any of my issues raised  
9 regarding the sentencing; moreover, the Court has failed to  
10 meaningfully consider the defendant's arguments and failed to  
11 explain one or more aspects of the sentences imposed as it  
12 compares to any type of culpability to the defendant at all.

13 I have -- I have some things I would like to ask the  
14 Court related to the sentencing. Number one is, I would ask if  
15 the Court could -- I would definitely -- I want to file a  
16 direct appeal, and if the Court could perhaps appoint me  
17 appellate counsel --

18 THE COURT: The Second Circuit will do that.

19 MR. LIOUNIS: -- from the public defenders office?

20 THE COURT: I think the Second Circuit will do that.  
21 I think the Court of Appeals will do that.

22 MR. LIOUNIS: I don't know how to do that. I'm saying  
23 I don't know how to do any of that. That's why I'm asking if I  
24 could have appellate counsel appointed to help me with that.

25 THE COURT: I'll ask somebody in the Federal Defenders

1 office to assist you, to the extent they will.

2 What else?

3 MR. LIOUNIS: I also -- the drug program. Can you  
4 recommend a residential drug program for myself?

5 THE COURT: To the extent that that might be  
6 appropriate, I'll tell the Bureau of Prisons to consider it.

7 MR. LIOUNIS: I was also wondering --

8 THE COURT: Yes?

9 MR. LIOUNIS: -- if you could recommend to have a  
10 program where you could be with your family a little bit  
11 sooner? It's called home confinement. Judges are making  
12 recommendations up to two years. Could you recommend that?

13 THE COURT: Not at this point, Mr. Liounis.

14 MR. LIOUNIS: I'd like to ask you about credit for  
15 time served.

16 THE COURT: Those are determinations that are made by  
17 the Bureau of Prisons. They make a determination with respect  
18 to time served.

19 MR. LIOUNIS: The credit? I'm sorry?

20 THE COURT: The Bureau of Prisons makes those  
21 determinations. I think the statute is very specific about  
22 that.

23 MR. LIOUNIS: Now, Your Honor, does this -- does this  
24 sentence in any way related to my sentence in the SD New York  
25 --

1 THE COURT: Nothing to do with this.

2 MR. LIOUNIS: -- any of the charges? Is there  
3 anything under 5(g)(1) that would relate to any of this?

4 THE COURT: Nothing will.

5 MR. LIOUNIS: Now, as far as the time that I've been  
6 in prison right now, I've been in prison for I believe it's two  
7 and-a-half years. You're saying that would automatically --  
8 I'm confused.

9 THE COURT: Mr. Liounis, the Bureau of Prisons will be  
10 aware of all the time you have you a spent in prison in  
11 relation to the case.

12 MR. LIOUNIS: Would be nine and-a-half years?

13 THE COURT: And then --

14 MR. LIOUNIS: Go ahead. I'm sorry.

15 THE COURT: I said in relation to this case, not in  
16 relation to the time you served as a result of your Southern  
17 District sentence. That's over. You have served that term.  
18 You're finished with that. You then proceeded to commit new  
19 crimes for which you've been convicted and for which you have  
20 just been sentenced.

21 And as far as your computation of time, time served  
22 that you may be entitled to credit for, that will be a  
23 determination made by the Bureau of Prisons, not by me.

24 MR. LIOUNIS: Were there any -- aren't some of those  
25 counts related to counts that were not dismissed from my SD New

1 York? There was approximately eight counts that were not  
2 dismissed.

3 THE COURT: I have nothing to do with the Southern  
4 District of New York. I have no jurisdiction of indictments  
5 that have been filed in the Southern District of New York. I  
6 have nothing to do with those except that those convictions  
7 have been considered in determining what your criminal history  
8 category is.

9 MR. LIOUNIS: You said -- just to recap -- you said  
10 240 months on Count 1?

11 THE COURT: 240 months on Count 1, Counts 2 through 7  
12 and 8, and 52 months on Count 9, consecutive to the concurrent  
13 counts of 240 months on the preceding eight.

14 MR. LIOUNIS: Thank you. Is there a -- how many years  
15 in prison is that?

16 THE COURT: If you divide 292 by 12, I think that will  
17 give you the answer.

18 MR. LIOUNIS: Divide 292 by 12? Is that what he said,  
19 divide 292 by 12?

20 THE COURT: I think we're finished.

21 Anything else?

22 MR. LERER: No, Your Honor.

23 (Proceedings concluded.)  
24  
25